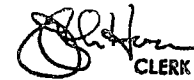


FILED

MAR 31 2017


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. LER WAH GUIDE, Defendant.	Case: 4:15CR40114 PRELIMINARY ORDER OF FORFEITURE
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Upon motion of the plaintiff for a preliminary order of forfeiture, the court finds:

1. As the result of the conviction by jury to the indictment for which the United States sought forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and pursuant to defendant's agreement, Ler Wah Guide shall forfeit to the United States the following property: Mossberg Maverick 88, 12-gauge caliber pump action shotgun, serial number MV82797S, and 32 rounds of 12-gauge ammunition.

2. The court has determined, based on the evidence introduced at trial and upon Ler Wah Guide's agreement, that he has an interest in the above property, that the property is subject to forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and that the United States has established the requisite nexus between such property and such offenses, and that the

above property is property that was used or intended to be used to commit the offense described in the indictment for which Ler Wah Guide was convicted.

NOW THEREFORE, IT IS HEREBY ORDERED

1. Upon the entry of this order, the United States is authorized to seize the above property for forfeiture, whether held by Ler Wah Guide or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

2. Upon the entry of this order, and pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Cases, the United States shall post to www.forfeiture.gov, for a period of thirty consecutive days, notice of this order, notice of the United States' intent to dispose of the property according to law, and notice that any other person, other than Ler Wah Guide, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with this court within thirty days of the final publication of notice, or receipt of actual notice whichever is earlier.

3. Further, the notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the

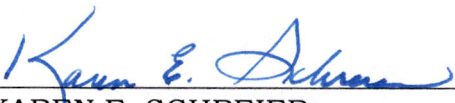
forfeited property, and any additional facts supporting the petitioner's claim and the relief sought.

4. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is identified, above, as a substitute for published notice as to those persons so notified.

5. Pursuant to Fed. R. Crim. P. 32.2(c)(2), if no third party files a timely petition, this preliminary order becomes the final order of forfeiture.

Date: March 31, 2017

BY THE COURT:


KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE